

### REMARKS

The Office Action of February 1, 2007 has been carefully reviewed and this response addresses the Examiner's concerns.

I. Status of the Claims

Claims 1-45 are pending in this application.

Claims 1-29 and 42-45 have been withdrawn from consideration at this time.

Claims 34 and 39 have been amended to correct typographical errors.

II. Requirement for Election/Restriction

In the Office Action, the Examiner restricts the claims as follows:

- I. Claims 1-29 and 42-45, drawn to a composition comprising a heterocyclic, tricyclic or phenothiazine compound; and
- II. Claims 30-41, drawn to a method of protecting or treating a subject against a mitochondrial component-mediated disease comprising a compound effective in inhibiting mitochondrial permeability transition

Applicants elect for examination, without traverse, claims 30-41 drawn to a method of protecting or treating a subject against a mitochondrial component-mediated disease. The remaining claims 1-29 and 42-45 have been withdrawn from consideration at this time. Applicants reserve the right to file a divisional application covering claims 1-29 and 42-45 at a future date.

Additionally, the Examiner requires an election of a single disclosed species from (i) a heterocyclic, tricyclic or phenothiazine compound; and (ii) a mitochondrial component mediated disease.

Applicants elect for examination, without traverse, the compound promethazine and the disease of stroke.

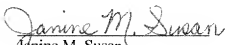
Application Serial No. 10/820,184  
Response dated March 1, 2007  
Response to Office Action of Feb. 1, 2007

The following information is presented in the event that a call may be deemed desirable  
by the Examiner:

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Respectfully submitted,  
Bruce S. Kristal, et al., Applicants

Dated: March 1, 2007

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